

**INLAND WETLANDS AGENCY
MEETING MINUTES**

JULY 18, 2005

PRESENT: Ken Braga, Kim Flannery, Margo Wheeler, Donald McConnell, Christine Murphy, Sanford Cohen and Alternate Steven Hoffman

ABSENT: Adam Barber and Alternate Jean Burns

STAFF

PRESENT: Robert Phillips, ZEO and Reanna Goodreau, Recording Secretary

I. CALL TO ORDER:

Chairman Braga called the Inland Wetlands Agency (IWA) meeting to order at 7:35 PM at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT and read the legal notice into the record.

II. PUBLIC COMMENTS: NONE

III. PUBLIC HEARINGS:

1. #IW200525 – Joseph MacVarish for a Permit to Conduct Regulated Activity within an Area of Influence and/or Wetlands for a 2 lot re-subdivision on property located on Crystal Lake Road, APN 083-018-0000.

TIME: 7:36 PM

SEATED: K. Braga, K. Flannery, M. Wheeler, S. Cohen, C. Murphy and S. Hoffman

Denise Lord, Anchor Engineering, came forward to explain the application. She stated that the health department has not issued an approval, but the sanitary systems are outside the regulated area. Ms. Lord explained that the parcel is 4.17 acres, which is being proposed to be subdivided into 2 lots. She noted that the parcel is bisected by a watercourse and wetlands. The proposal includes installation of a culvert in order to allow a driveway crossing. The direct wetlands disturbance is 750 square feet.

Chairman Braga asked if they had considered mitigation and was told that they hadn't, but they would be willing to provide it if it was to be a condition of the permit. Chairman Braga suggested that the mitigation improve the existing wetlands and further requested a conservation easement on 25' on each side of the brook. Ms. Lord requested that the conservation easement follow the tree line, which would only be 10' from the brook on one side.

MOVED (WHEELER), SECONDED (FLANNERY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #IW200525—JOSEPH MACVARISH.

MOVED (HOFFMAN), SECONDED (COHEN) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION #IW200525—JOSEPH MACVARISH.

CONDITION: SUBJECT TO A CONSERVATION EASEMENT BEING INSTALLED 10 FEET FROM THE WATERCOURSE ON THE NORTH SIDE OF THE BROOK AND 25 FEET FROM THE WATERCOURSE ON THE SOUTH SIDE OF THE WATERCOURSE.

IV. UNFINISHED BUSINESS:

1. #IW200522 – Town of Ellington for a Permit to Conduct Regulated Activity within an Area of Influence for placement of fill for road construction and to extend storm drainage outlet on property located at 59 Pinney Street, APN 017-020-0000.

Jim Thompson, Ellington Town Engineer, came forward to explain the application. He stated that the State Traffic Commission is requiring a light at the Pinney Street and Windermere Avenue intersection, but that this will not occur until the bridge is completed in 2007. Mr. Thompson explained that residents petitioned the First Selectman for a stop sign due to the delay with the installation of the traffic light. However, this proposal is better for traffic calming. He explained that there will be 1,800 square feet of wetlands disturbance, but that they will provide a 1,700 square foot of mitigated area to the wetlands that had been mitigated with the realignment of Windermere Avenue.

Chairman Braga stated that the commission requires 2:1 mitigation and the Town Engineer stated that it would not be a problem to do a 2:1 mitigation. Commissioner Flannery asked about prudent and feasible alternatives and was told that they could install the light. Mr. Thompson stated that studies show 80% fewer accidents with roundabouts.

Shawn Costello, Chairman of the Ellington Conservation Commission, asked if the land being taken for the roundabout is town open space and was told that it is part of the open space deeded to the town from the Santini subdivision. Mr. Costello asked if they would present their proposal to the Conservation Commission. Mr. Thompson stated that they will be going before other commissions once they have a decision from the Inland Wetlands Agency.

The commissioners discussed if a public hearing should be held and the members agreed that this is a significant activity and a hearing should be held.

MOVED (MURPHY), SECONDED (FLANNERY) AND PASSED UNANIMOUSLY TO MAKE A FINDING OF SIGNIFICANCE FOR #IW200522—TOWN OF ELLINGTON.

PUBLIC HEARING TO BE HELD ON AUGUST 15, 2005.

2. #IW200519 – Peter Welte for a Permit to Conduct Regulated Activity within an Area of Influence for a shed and related improvements on property located at 32 Main Street, APN 064-008-0000.

Peter Welte came forward to explain the application. He stated that Kloters currently has the shed in the back of the building on 32 Main Street, which is used as office space for the warehouse. This shed is approximately 87' from a culvert and it is on a stone pad on top of pavement.

MOVED (FLANNERY), SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY TO MAKE A FINDING OF NON-SIGNIFICANCE FOR #IW200519—PETER WELTI.

MOVED (HOFFMAN), SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY TO APPROVE #IW200519—PETER WELTI.

3. #IW200521 – Angel Trace, LLC for a Permit to Conduct Regulated Activity within an Area of Influence to modify a previously approved detention basin to be located within the "Angel Trace" Subdivision, State Route 140, APN 110-018-0000.

Russ Heintz, Tarbell, Heintz and Associates, came forward to explain the application. He stated that the Agency had approved this subdivision last year, but based on conversations with town staff, he removed one basin and increased the size of the remaining basin. He noted that the basin is solely in the regulated area.

MOVED (FLANNERY), SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO MAKE A FINDING OF NON-SIGNIFICANCE FOR #IW200521—ANGEL TRACE, LLC.

MOVED (HOFFMAN), SECONDED (FLANNERY) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION #IW200521—ANGEL TRACE, LLC.

CONDITION: SUBJECT TO THE TOWN ENGINEER'S REVIEW & APPROVAL OF THE DRAINAGE REPORT.

4. #IW200523 – Christopher Mateya for a Permit to Conduct Regulated Activity within an Area of Influence for a deck and pool on property located at 15 Francis Avenue, APN 020-059-0000.

Laura Mateya came forward to explain the application. She stated that she would like an above ground pool and deck, but that it was just brought to her attention that there are wetlands on her property. Mrs. Mateya noted that her neighbors have recently installed pools and other structures. She noted that the proposed area for the pool and deck is lawn.

MOVED (MURPHY), SECONDED (WHEELER) AND PASSED UNANIMOUSLY TO MAKE A FINDING OF NON-SIGNIFICANCE FOR #IW200523—CHRISTOPHER MATEYA.

MOVED (MCCONNELL), SECONDED (MURPHY) AND PASSED UNANIMOUSLY TO APPROVE #IW200523—CHRISTOPHER MATEYA.

5. #IW200526 – Landmark Surveys LLC for a Permit to Conduct Regulated Activity within an Area of Influence for single family home on property located on Webster Road, APN 126-002-0000.

Rachel Dearborn, Landmark Surveys, came forward to explain the application. She stated that her client intends to buy the subject property in order put a home on the 30+ acres. Mrs. Dearborn explained that the wetlands were field delineated by Steve Jacobs and that almost the entire parcel is located within the 250' regulated area. She stated that there is no direct impact to the wetlands and structures are being kept 100' from the wetlands.

MOVED (MCCONNELL), SECONDED (COHEN) AND PASSED UNANIMOUSLY TO MAKE A FINDING OF NON-SIGNIFICANCE FOR #IW200526—LANDMARK SURVEYS, LLC.

MOVED (MCCONNELL), SECONDED (FLANNERY) AND PASSED UNANIMOUSLY TO APPROVE #IW200526—LANDMARK SURVEYS, LLC.

6. #IW200527 – Brook Crossing Developers, LLC for a Permit to Conduct Regulated Activity within an Area of Influence for an 8 lot subdivision on property located at extension of Brook Crossing, APN 119-004-0000.

Russ Heintz, Tarbell, Heintz and Associates, came forward to explain the application. Mr. Heintz gave a brief history of the Highfield Estates subdivision. He explained that the subdivision is being done in phases due to extensive soil testing that needs to be completed for the sanitary systems. Mr. Heintz stated that the wetlands were delineated in the 1980's and redelineated in the 1990's by John Ianni. He stated that the mitigation for Phase 2 has not been completed, but that there is a bond being held by the Town in order to ensure that it is completed. He noted that there will be no disturbance to the wetlands or the regulated area.

MOVED (COHEN), SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO MAKE A FINDING OF NON-SIGNIFICANCE FOR #IW200527—BROOK CROSSING DEVELOPERS, LLC.

MOVED (COHEN), SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO APPROVE #IW200527—BROOK CROSSING DEVELOPERS, LLC.

7. #IW200528 – Heather Hollay Farr for a Permit to Conduct Regulated Activity within an Area of Influence for a single family home and equestrian activities on property located at 156 Crystal Lake Road, APN 095-021-0000.

Chairman Braga asked Tim Coon, J.R. Russo & Associates, where the limits of the paddock were and was told that it follows the tree line. Mr. Coon stated that he received comments from the Connecticut Water Company and has addressed them. He explained that they are subdividing the 13 acre parcel into 2 lots. One lot will have the existing house and the other will have a new home and horse barn with a riding area. Reanna Goodreau noted that the North Central District Health Department emailed a note stating that the septic systems should be acceptable. Mr. Coon stated that the parcel is within the Shenipsit Lake Drainage Basin and that all structures are outside the 250' regulated area, but that the driveway and grading are within the regulated area.

MOVED (COHEN), SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY TO MAKE A FINDING OF NON-SIGNIFICANCE FOR #IW200528—HEATHER HOLLAY FARR.

MOVED (HOFFMAN), SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY TO APPROVE #IW200528—HEATHER HOLLAY FARR.

THE COMMISSION WENT OUT OF AGENDA ORDER.

V. NEW BUSINESS:

1. #IW200529—Brian O'Neil for a Permit to Conduct Regulated Activity within an Area of Influence for a 12' x 16' shed on property located at 2 Highland Oak Drive, APN 129-088-0064.

MOVED (WHEELER), SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY TO RECEIVE #IW200529—BRIAN O'NEIL.

MOVED (WHEELER), SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY TO ADD TO THE AGENDA AND RECEIVE: #IW200530—THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS (EXPANSION OF PARKING AREA) AND #IW200531—GOTTA GO, LLC (2 LOT RESIDENTIAL SUBDIVISION).

Jim Kulpa, Milone and MacBroom, asked if he could do a short presentation. He handed out pictures of the site and noted that the existing church was built in the 1990's. Mr. Kulpa noted the location of the wetlands and stated the a portion of the expanded parking will encroach into the wetlands.

Chairman Braga asked if Mr. Kulpa would prefer to hold off on the presentation because he will have to do another presentation when the members have the information. Commissioner Flannery asked if he was looking for the commission to determine significance and was told yes.

MOVED (WHEELER), SECONDED (FLANNERY) AND PASSED UNANIMOUSLY TO MAKE A FINDING OF SIGNIFICANCE FOR #IW200530—THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS.

PUBLIC HEARING TO BE HELD ON AUGUST 15, 2005.

THE COMMISSION RETURNED TO ORIGINAL AGENDA ORDER.

IV. UNFINISHED BUSINESS:

8. Show Cause Hearing regarding possible revocation of Inland Wetlands Permit #IW200118; T & M Builders, Ellington Highlands Subdivision, Route 83/West Road.

Chairman Braga stated that the DEP had sent a Notice of Violation (NOV) to Ben Moser for violations related to the operation of the gravel pit and they also sent a NOV to T&M Builders for violations related to the construction of the Ellington Highlands Subdivision. Rob Phillips, ZEO/WEO, stated that he had met with Nisha Patel from the DEP on-site and noted that some of the issues in the NOV had been resolved by T&M. He explained that the erosion and sedimentation controls were inadequate at times, which contributed to sediment loading into the pond.

Attorney Christopher Smith, Shipman & Goodwin, LLC, gave a brief history of the subdivision and requested that the record of the original wetlands approval for the subdivision and for the subsequent approval for the culvert be entered into the record. He noted that Bob Stanhope, site supervisor, Greg Ugalde, president of T&M Builders, and Mark Smith, project engineer from TO Design, were present. He explained that Ed Pollack, soil scientist from Connecticut Ecosystems, LLC, was not able to attend tonight's show cause hearing. Attorney Smith explained that the notice was issued to T&M on June 20, 2005 and that since that date T&M and their professionals have met with town staff and DEP. Based on the meeting, Mark Smith and Ed Pollack created plans to supplement the original approval. He continued by reading excerpts from the Town Engineer's letters with recommendations to the Inland Wetlands Agency and Planning & Zoning Commission dated July 18, 2005 .

Mark Smith, TO Design, reviewed the subdivision plan. Mr. Smith explained that the pond had collected sediment over the years. In order to remedy this issue, they are proposing to dredge the pond so that it will be 7 feet deep, include an aquatic shelf, and include plantings. He noted that the soils are extremely erodible and they will be strengthening their erosion and sedimentation control measures. Mr. Smith explained that he had reviewed these plans with DEP staff and had received positive feedback.

Attorney Smith entered the soil scientist's report into the record. He requested that the commission allow them to supplement the original approval with these plans. Attorney Smith noted that the Town Engineer suggested that there be additional bonding and weekly reports. He stated that T&M has no objections to his recommendations.

Chairman Braga stated that the commission can choose to revoke the permit, revise the permit and rescind the order or simply rescind the order. The commission expressed their concern with T&M's track record for not staying in front of their erosion problems. Chairman Braga stated that he would like an independent person to complete the reports and that he would like to have reports submitted twice a week and after every rain event ½ inch and over. He also wanted timetables for the work. Chairman Braga also requested that if the Town Engineer did not include bonding for Phase III, that it be included in the bond. Commissioners Flannery and Murphy also requested that the recommendations from the soil scientist be included on the plans. Attorney Smith stated that T&M would be amenable to the conditions that the commission is requesting.

MOVED (WHEELER), SECONDED (MCCONNELL) AND PASSED (RECUSED: COHEN) TO MODIFY #IW200118 TO INCLUDE THE FOLLOWING:

- 1) **AN INDEPENDENT ENGINEER SUBMIT REPORTS TWICE A WEEK TO THE PLANNING DEPARTMENT AND AFTER EVERY ½ INCH RAIN EVENT;**

- 2) IMPLEMENT THE BONDS AS RECOMMENDED BY THE TOWN ENGINEER AND IF THE BOND AMOUNT DOES NOT INCLUDE PHASE III, HAVE THE ENGINEER CALCULATE AN ADDITIONAL AMOUNT FOR PHASE III;**
- 3) CREATE A PLAN OF THE RESTORATION OF THE POND WITH THE SUGGESTIONS OF ED POLLACK, SOIL SCIENTIST; AND**
- 4) SUBMIT A TIMETABLE OF THE WORK TO BE COMPLETED.**

IV. ADMINISTRATIVE BUSINESS:

1. Approval of Meeting Minutes:
 - a. June 2, 2005 Special Meeting Minutes

TABLED TO THE AUGUST 15, 2005 MEETING.

- b. June 20, 2005 Regular Meeting Minutes

TABLED TO THE AUGUST 15, 2005 MEETING.

2. Report on status of Shustock violation—379 Somers Road.

TABLED TO THE AUGUST 15, 2005 MEETING.

3. Correspondence:
 - a. Letter from DEP to DOT dated, 6/27/05.
 - b. Memo to Kenneth Braga and the IWC from Dennis Milanovich dated, 06/30/05. (59 Pinney Street)
 - c. THE HABITAT, Spring 2005.
 - d. Letter to Dennis Milanovich from Matt Davis dated, 6/16/05. (Recommendation for Permanent Appointment for ZEO)

SO NOTED.

MOVED (FLANNERY), SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY TO ADD TO THE AGENDA A DISCUSSION TO RECOMMEND THAT THE PLANNING & ZONING COMMISSION IMPLEMENT A MORATORIUM.

Chairman Braga stated that he is concerned with the development pressures in town, especially since there is no Town Planner. Shawn Costello, Chairman of the Conservation Commission, explained that the Conservation Commission had made a motion requesting that the Planning and Zoning Commission implement a moratorium. He noted that they included information that surrounding towns currently have moratoriums, that Ellington is one of the fastest growing towns in the state, and that this all contributes to the extreme development pressures on Ellington.

MOVED (WHEELER), SECONDED (FLANNERY) AND PASSED (NAY: COHEN) TO RECOMMEND TO THE PLANNING & ZONING COMMISSION THAT A 12 MONTH MORATORIUM BE IMPLEMENTED FOR RESIDENTIAL SUBDIVISIONS BASED ON THE FOLLOWING REASONS:

- 1) ELLINGTON IS THE 2ND FASTEST GROWING TOWN IN THE 29-TOWN CAPITOL REGION AND THE 6TH FASTEST GROWING TOWN IN THE STATE;**
- 2) THERE IS NO TOWN PLANNER;**

- 3) OTHER COMMUNITIES ARE UNDER A MORATORIUM, WHICH INCREASES DEVELOPMENT PRESSURE ON ELLINGTON;**
- 4) BASED ON ITEMS #2 & #3, ELLINGTON BECOMES A PRIME TARGET FOR DEVELOPMENT;**
- 5) ELLINGTON IS REQUIRED BY STATE LAW TO UPDATE THE PLAN OF CONSERVATION AND DEVELOPMENT AND HAS COMPLETED A BUILD-OUT ANALYSIS, WHICH RECOMMENDS CHANGES TO ZONING AND SUBDIVISION REGULATIONS.**

VII. ADJOURNMENT:

MOVED (COHEN), SECONDED (MURPHY) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 10:43 P.M.

Respectfully Submitted,

Reanna Goodreau
Recording Secretary